IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 5865 of 2005

Between:

R. Dali Naidu S/o. Late Kurma Rao
R/o. Budathavalasa Village Viz. Murapaka, Laveru Mandal, Srikakulam District.

..... PETITIONER

AND

1 The District Collector, Srikakulam District, Srikakulam.
2 The Joint Collector, Srikakulam District, Srikakulam.
3 Kum. M. Jayalaxmi, D/o. Chinna Sanyasi, R/o. Mettavalasa Village, H/o. Budathavalasa Village, Laveru Mandal, Srikakulam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a writ or order or direction more particularly one in the nature of WRIT OF MANDAMUS, declaring the action of the 1st respondent in not passing appropriate orders on the stay petition in the Revision filed by the petitioner against the orders dt. 27-1-2005 in D.Dis.No.36/2005 S2 (SRA. No. 29/01 S.2) passed by the 2nd respondent, as illegal and arbitrary and consequently direct the 1st respondent to pass appropriate orders in the stay petition under Section 21 (iii) of the Act, in the interest of justice.

Counsel for the Petitioner: MR.P.PANKAJ REDDY

Counsel for the Respondents 1 and 2: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following :

ORAL ORDER:

Heard both sides. Perused the material placed before me.

The grievance of the petitioner is that the first respondent who is the Revisional Authority under the Control Order 2001, has not passed any orders on the application, filed along with the Revision, seeking interim stay of the order passed by the Appellate Authority-second respondent.

The factual background, which is not in dispute, is that initially, the RDO accorded authorisation to the petitioner as a fair price shop dealer. Challenging the said authorisation, the third respondent herein preferred an appeal before the second respondent, which was allowed consequently. Aggrieved by the said order, the petitioner filed a revision before the first respondent. However, along with the said revision, the petitioner filed an application seeking interim stay of the order of the second respondent, but, so far, no orders have been passed on the said application, though the revision had been admitted. Hence the present writ petition.

From the facts already stated, it would be seen that it is the third respondent who was unsuccessful in getting the authorisation as a fair price shop dealer, filed an appeal before the second respondent against the act of authorisation accorded by the RDO in favour of the petitioner. It is significant to note that during the pendency of the appeal also, the petitioner had been continuing as an authorized dealer. Now for the first time and after lapse of four years, by virtue of the order of the second respondent, the authorisation that had been subsisting all through in favour of the petitioner came to an end. In

such a case, I am of the considered view that the Revisional authority ought to have considered the case of the petitioner, insofar as the stay application is concerned.

Having regard to the facts and circumstances of the case, suffice it to close the writ petition with a direction to the first respondent to consider the application filed by the petitioner seeking interim suspension/stay of the order of the second respondent as expeditiously as possible, preferably within four weeks from the date of receipt of a copy of this order. It is further clarified that pending consideration and disposal of the interim application, by the first respondent, there shall be interim suspension of the order passed by the second respondent.

With the above directions, the writ petition is disposed of at the stage of admission. No costs.

22-03-2005

Note:

Issue CC by tomorrow

B/O

KVSN

To

1 The District Collector, Srikakulam District, Srikakulam.

2 The Joint Collector, Srikakulam District, Srikakulam.

3 Kum. M. Jayalaxmi, D/o. Chinna Sanyasi, R/o. Mettavalasa Village, H/o. Budathavalasa Village, Laveru Mandal, Srikakulam District.

4 Two CCs to GP for Civil Supplies, High Court Buildings, Hyderabad.

5 Two CD copies.